

HOUSE No. 1313

By Ms. Balser of Newton, petition of Ruth B. Balser and others relative to confinement conditions and treatment of prisoners with mental illness. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Ruth B. Balser	Barbara A. L'Italian
Susan C. Tucker	John W. Scibak
Ellen Story	Patricia D. Jehlen
Douglas W. Petersen	Gloria L. Fox
William N. Brownsberger	Steven A. Tolman
Kay Khan	Carl M. Sciortino, Jr.
Matthew C. Patrick	Frank I. Smizik
Steven J. D'Amico	Denise Provost

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO CONFINEMENT CONDITIONS AND TREATMENT OF PRISONERS WITH MENTAL ILLNESS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 127 of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by adding two new
3 definitions to Section 1 thereof as follows:—

4 “Mental health professional,” a psychiatrist, psychologist,
5 licensed clinical social worker (LICSW) or licensed mental health
6 counselor (LMHC) who is licensed to practice in the Common-
7 wealth pursuant to Chapter one hundred and twelve.

8 “Residential Treatment Unit,” a therapeutic housing unit within a
9 correctional facility that is operated by the department and super-
10 vised by the department of mental health for the purpose of pro-
11 viding treatment and rehabilitation for prisoners.

1 SECTION 2. The first paragraph of Section 39 of Chapter 127 of
2 the General Law is amended to read as follows:—

3 Except as provided in Section 39A of this Chapter, at the request
4 of the superintendent of any correctional institution of the Common-
5 wealth, the commissioner may authorize the transfer, for such period
6 as s/he may determine, to a segregated unit within any correctional
7 institution of the Commonwealth, of any inmate whose continued
8 retention in the general institution population is detrimental to the
9 program of the institution.

1 SECTION 3. Said chapter 127 of the General Laws is hereby fur-
2 ther amended by inserting after section 39 the following new
3 section:—

4 § 39A. Diversion to Residential Treatment Units.

5 (a) When an inmate is confined to a segregated unit, the superin-
6 tendent shall arrange for a mental health professional to assess the
7 mental health of the inmate and to review the inmate's mental health
8 record within twenty-four hours. Inmates remaining in such confine-
9 ment shall be reassessed at a minimum of every three days there-
10 after. Mental health assessments shall be conducted in a confidential
11 manner.

12 (b) As part of all mental health assessments conducted pursuant to
13 paragraph (a) of this section, mental health professionals shall iden-
14 tify for diversion or removal from such segregated unit any inmate
15 who meets the criteria set forth in paragraph (c) of this section.
16 Inmates identified for diversion or removal from a segregated unit
17 shall, within seventy-two hours of the assessment, be diverted or
18 removed from such unit and placed in a residential treatment unit or
19 provided with clinically appropriate treatment in general population.
20 While awaiting transfer, the mental health status of such inmates
21 shall be closely monitored.

22 (c) Inmates who have been designated for transfer to a segregated
23 unit as provided in Section 39 of this Chapter and who meet at least
24 one of the following criteria shall be diverted or removed from seg-
25 regation as provided in paragraph (b) of this section. These criteria
26 are:—

27 (1) Inmates who are diagnosed with, are currently under treatment
28 for, or currently display symptoms of one or more of the following
29 disorders described in the most recent edition of the diagnostic and
30 statistical manual of mental disorders:—

31 A. schizophrenia and other psychotic disorders,

32 B. major depressive disorders, current or recurrent,
33 C. bipolar disorders, all types,
34 D. cognitive disorders, specifically delirium, dementia and amne-
35 siac disorder,
36 E. personality or anxiety disorders, including post-traumatic stress
37 disorder, that result in significant functional impairment or signifi-
38 cant or chronic self-injury;
39 (2) inmates diagnosed with mental retardation;
40 (3) inmates diagnosed with traumatic brain injury;
41 (4) inmates determined to be at risk of suicide including inmates
42 who have engaged in behavior that evidences serious suicidal risk
43 including self-mutilation; or
44 (5) inmates who have otherwise substantially deteriorated men-
45 tally or emotionally while confined in segregation where diversion
46 or removal is deemed to be clinically appropriate by a mental health
47 professional.

1 SECTION 4. Said chapter 127 of the General Laws is hereby fur-
2 ther amended by inserting after section 17 the following new sec-
3 tions:

4 § 17A. Establishment of mental health treatment programs inside
5 correctional facilities.

6 (a) The commissioner, in cooperation with the commissioner of
7 mental
8 health, shall establish in correctional facilities such programs,
9 including but not limited to residential treatment units, as are neces-
10 sary for the treatment of mentally ill inmates confined therein who
11 are in need of psychiatric services but who do not require hospital-
12 ization for the treatment of mental illness, as determined by identifi-
13 cation by a mental health professional and referenced in Section 3.
14 Such inmates shall receive therapy and programming in settings that
15 are appropriate to their clinical needs while maintaining the safety
16 and security of the facility. The Commissioner of the Department of
17 Corrections shall establish the appropriate number of residential
18 treatment units (RTUs), in consultation with the Commissioner of
19 the Department of Mental Health, at each correctional facility oper-
20 ated by the Department of Corrections.

21 (b) All correctional staff who work in residential treatment units
22 shall be screened and shall receive at a minimum forty hours of

23 mental health training, plus twelve hours of annual training. In addition to the training requirement provided in this paragraph, all other
24 correctional officers employed by the department shall be given
25 eight hours of annual mental health training. Such training shall
26 include information about the types and symptoms of mental illnesses,
27 the goals of mental health treatment, medication and side effects,
28 co-occurring disorders, and training in how to effectively and safely manage inmates with mental illness.
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